

U.S. Serial No. 10/620,059
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REMARKS

The Examiner in the Office Action of August 6, 2004 indicated that claims 13-18 are allowed and that claims 2, 3, 6, 7, 10 and 11 are objected to each as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claim 1 to incorporate the limitation of allowable claim 2. In so doing it is believed this constitutes the equivalent of rewriting claim 2 in independent form and including all the limitations of the base claim.

Claim 3 was objected to as being depended on a rejected base claim but allowable if rewritten in independent form. It is believed that by rewriting claims 1 and 2 so as to create an independent claim 1 incorporating all the limitations of the base claim and the material of claim 2 an allowable claim has been presented. Claim 3 now depends on the allowable claim 1 so it is believed it is unnecessary to rewrite claim 3 in independent form. Claim 3 was amended, however, to delete the term "preferred".

Claim 4 (rejected) has been amended to now recite that the cooling of the EGR stream using a heat exchanger/cooler thereby increasing the relative humidity of the EGR stream increases the relative humidity to greater than about 20%. Because claim 2 was deemed allowable because it recited that the relative humidity is greater than about 20% it is believed that amending claim 4 to now recite that same limitation also places claim 4 similarly in condition for allowance, amended claim 4 being a method claim companion to amended claim 1 (a device claim).

Claim 5 has similarly been amended to incorporated the limitation of objected to but allowable if rewritten in independent form claim 6, which in effect constitutes a rewriting of claim 6 in independent form incorporating the limitation of the base claim.

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Claim 7 (objected to but allowable) is dependent in now allowable claim 5 so it is believed it is not necessary to rewrite claim 7 in independent form. Claim 7 was amended, however, to delete the term "preferred".

Claim 8 has been amended in the same way as claim 4 for the same reasons and it is believed to now be allowable because it recites the same limitation as allowable claim 2, that is, heat exchanger/cooler increasing the relative humidity of the EGR stream to greater than about 20%, the heat exchanger/cooler being upstream of the filters.

Claim 9 has been amended to incorporate the limitation of allowable claim 10, in effect rewriting claim 10 in independent form incorporating the limitation of the base claim.

Claim 11 (objected to but allowable) is dependent on now allowable claim 9 so it is believed it is not necessary to rewrite claim 11 in independent form.

Claim 12 has been amended in the same way as claims 4 and 8 for the same reasons and is believed to now also be allowable.

Allowable claim 15 was amended to delete the term "preferred".

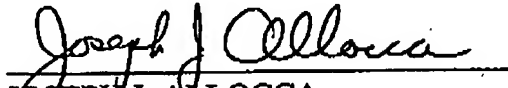
Because the claims have been amended in what is believed to be in a way in accordance with the suggestion of the Examiner, it is believed the amendments do not added new subject matter or require a new or additional search but rather advance prosecution and put the claims in condition for allowance and render it unnecessary to address the Examiner's rejection of claims 1, 4, 5 and 8 under 35 U.S.C. § 102(b) as anticipated by Freesh and of claims 9 and 12 under 35 U.S.C. § 103(a) as being obvious over Freesh in view of Rohrbach et al.

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It is requested that the Examiner review this case in light of the amendments made to the claims and the above remarks, that he withdraw the rejections and objections, allow all the remaining claims, and pass the case to issue in due course.

Respectfully submitted,


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☒ Pursuant to 37 CFR 1.34(a)

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